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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,926	03/15/2000	Richard A. Smith	62-184	9870

7590

01/21/2005

Farkas & Manelli PLLC  
2000 M Street N W  
7th Floor  
Washington, DC 20036-3307

EXAMINER
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DINH, DUNG C

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/525,926

Applicant(s)

SMITH ET AL.

Examiner

Dung Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 and 32-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 20-31 and 39-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/2/04 has been entered.

***Response to Arguments***

Applicant's arguments filed 9/2/04 have been fully considered but they are not persuasive.

Applicant argued that Bunney discloses only hardwired connection and does not suggest any other type of connection. Applicant cited to Bunney's col.5 lines 15-17 and fig. 1, 2 and 5 to support this position. The argument is not persuasive. One of ordinary skill in the art would understand that the 'connections' disclosed on col.5 and the figures are logical connections. The clients' connections to the Internet would be established via any combinations of conventional medium - i.e. hardwired, telephone line, radio wave, etc. The type of client devices can also implies the type of connection used. A client

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device that is a cell phone clearly implies some type of wireless connection to the network. The examiner maintained that Bunney teaching is not limited to only hardwired connection, and implicitly includes wireless connection (as seen from fig.5 where the client device (5) is a mobile phone).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

Claims 1-5, 9, 12, 20-24, 28, 31, 39-43, 47, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunney et al. US patent 6,446,112 and further in view of Ramasubramani et al US patent 6,314,108.

As per claim 1, Bunney teaches a method for providing access to channel of an Internet Chat Relay group to a mobile device, comprising:

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placing a mobile chat proxy server [fig.5 chat proxy 20] in a direct communication path between a standard IRC server [fig.#5 IRC server 40] and a wireless gateway server supporting said mobile device [it is well known in the art that a mobile device (e.g. mobile phone) establish a data connection to a network via a wireless gateway (see Ramasubramani col.1 line 30-36). The wireless gateway is inherent in Bunney system in order for the mobile device 3 to connect to the proxy 20 shown in fig.5. Furthermore, it would have been obvious for one of ordinary skill the art to provide a wireless gateway such as that taught by Ramasubramani because it would have provided mobile clients from various providers to access the Internet.];

wherein the mobile chat proxy server forwards chat commands from said mobile device to said standard IRC server. [see col.1 lines 18-20, col.3 lines 38-20, col.10 lines 60 to col.11 lines 49].

Bunney does not specifically disclose a second mobile device communicate with the IRC server without using the proxy server. However, the limitation is inherent in the system of Bunney. A client device conventionally participate in a IRC chat session by establish a connection to an IRC server. A client wishing to use Bunney's proxy service would connect to an IRC server via Bunney's proxy server (see fig.6 step S1 "client

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initiates chat thru proxy"). Clearly, a client that does not wish to make of the Bunney's proxy service would make the connection as conventionally done - i.e. directly to the IRC server, thereby bypassed the proxy server as claimed. Even if the limitation is not inherent in Bunney, it would have been obvious for one of ordinary skill in the art to permit bypass of the proxy server because it would have reduced load on the proxy server by not having to process requests from the clients who do not need or do not desire to have the proxy services.

As per claim 2, Bunney discloses the mobile device participate in said chat channel [col.11 lines 25-49]. It is apparent that two devices may participate in a chat session when they join the same chat channel.

As per claim 3, Bunney discloses the mobile device being a mobile telephone [col.3 lines 38-20].

As per claim 4, Bunney discloses the mobile device originated the access to the IRC channel [col.12 lines 9-15].

As per claim 5, Bunney discloses the proxy server interprets the IRC commands from the mobile device [col.11 line 41-48, col.12 lines 1-11].

As per claim 9, since the proxy server is on the Internet, it is inherent that Bunney has a wireless Internet gateway between the mobile device and the proxy server in order for the

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mobile device to be in communication with the proxy server as explained in the rejection of claim 1 above. Furthermore, Ramasubramani teaches providing Internet gateway for mobile devices (col.2 lines 60-68).

As per claims 20-24, 28, and 39-43, 47, they are rejected under the same rationale as for claims 1-5 and 9 above.

As per claims 12, 31, and 50, Bunney does not specifically disclosing ghosting the channel. However, ghosting is an equivalent IRC "mode +i" command [see Applicant' specification page 28]. It would have been obvious for one of ordinary skill in the art to provide full-set of IRC commands functionality in the proxy server including the ghosting function because it would have enabled compatibility and permitted the user to fully participate in the standard Internet Chat Relay service.

Claims 1-12, 20-31, 39-50 are rejected under 35 USC 103(a) as being unpatentable over Burgan et al. US patent 6,459,892 and further in view of Bunney et al. US patent 6,446,112 and "WebTV to IRC Proxy debuts on SorceryNet", USENET posting in alt.online-service.webtv 10/18/1999.

As per claim 1, Burgan teaches a method for providing access to chat channel from a mobile device, comprising:

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placing a mobile chat proxy server [fig.1 chat proxy 48] in a direct communication path with a wireless gateway server [fig.1 system controller 22] supporting said mobile device.

Burgan does not teach the chat proxy server connected to a standard IRC server.

Bunney teaches a method for permitting mobile device to originate chat session with a standard IRC server by providing a chat proxy server in direct communication with the standard IRC server so that the chat proxy server forwards chat commands from said mobile device to said standard IRC server. [see col.1 lines 18-20, col.3 lines 38-20, col.10 lines 60 to col.11 lines 49].

"WebTV to IRC Proxy debuts on SorceryNet" posting advertised a chat proxy for permitting limited functionality client devices (WebTv) to participate fully (as if they are normal personal computers) in IRC network by facilitating connection, translating and forwarding of commands from the WebTv user to the IRC server.

Hence, one of ordinary skill in the art would have motivate to combine the teaching of Bunney and the posting to provide a chat proxy in communication with a standard IRC server in Burgan because it would have enabled mobile users of Burgan to fully participate in IRC chat sessions with world wide users.



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Burgan does not specifically disclose a second mobile device communicate with the IRC server without using the proxy server. It is conventional that a client device wishing to participate in an IRC chat session would establish a connection directly to an IRC server over the Internet. Clearly, a client that does not wish to make of the proxy service would make the connection as conventionally done - i.e. directly to the IRC server, thereby bypassed the proxy server as claimed. It would have been obvious for one of ordinary skill in the art to permit bypass of the proxy server because it would have reduced load on the proxy server by not having to process requests from the clients who do not need or do not desire to have the proxy services.

As per claim 2, Bunney discloses the mobile device participated in said chat channel [col.11 lines 25-49]. It is apparent that two mobile devices, regardless of how they are connected to IRC server, may participate in a chat session when they join the same chat channel.

As per claim 3, Bunney discloses the mobile device being a mobile telephone [col.3 lines 38-20].

As per claim 4, Bunney discloses the mobile device originated the access to the IRC channel [col.12 lines 9-15].

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As per claim 5, Bunney and the posting discloses the IRC proxy server interprets the IRC commands from the mobile device [Bunney col.11 line 41-48, col.12 lines 1-11].

As per claims 6 and 7, the references do not specifically disclose communication with the mobile device via IWF or SMPP interfaces. These interfaces are well known protocols for communicating data and text to mobile devices (see Ramasubramani col.1 lines 20-29). Hence, it would have been obvious for one of ordinary skill in the art to use IWF and SMPP because it would have ensured the system compatibility with existing mobile devices.

As per claims 8 and 46, it is well known in the art mobile communication system provides short message system controller for communicating message among mobile devices. Hence, it is inherent that the system as modified would have a short message system controller. Furthermore, it would have been obvious for one of ordinary skill in the art to do so because it would have enabled the system to provide text messaging compatible with large number mobile devices.

As per claims 9, 10 and 48, it is well known in the art to provide a wireless Internet gateway for connecting a mobile device to the Internet (see Ramasubramani col.1 lines 30-37). IRC chatting requires an access to the Internet; hence, it is

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inherent that Burgan system as modified would have a wireless Internet gateway. Furthermore, it would have been obvious for one of ordinary skill in the art to provide a wireless Internet gateway because it would have enable the wireless clients to browse the Internet as well as participating in IRC network.

As per claim 11, Burgan teaches summoning other mobile device to join a chat channel [col.3 line 65 to col.4 line 9].

As per claims 20-30, and 39-45, 47, 49, they are rejected under the same rationale as for claims 1-11 above.

As per claims 12, 31, and 50, they are rejected under the same rationale as for claim 1 above. The references do not specifically disclose a ghost command. However, ghosting is merely a standard IRC "mode +i" command [see Applicant' specification page 28]. It would have been obvious for one of ordinary skill in the art to provide full-set of IRC commands functionality in the proxy server including the ghosting function because it would have enabled compatibility and permitted the user to fully participate in the Internet Chat Relay service.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (571) 272-3943. The examiner can

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normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (571) 272-3949.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dung Dinh  
Primary Examiner  
January 18, 2005